

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

KASSIE MERRITT, individually and on  
Behalf of all others similarly situated,

Plaintiff,

v.

YAVONE, LLC, a California limited  
liability company, HEALTHY CHOICE  
LABS, LLC, a Nevada limited liability  
Company, and GLOBAL PRO SYSTEM,  
INC., a Nevada corporation,

Defendants.

Case No. 6:15-cv-0269-TC

ORDER

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MCSHANE, Judge:

Magistrate Judge Thomas M. Coffin filed a Findings and Recommendation (ECF No. 48), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Defendants filed objections to the Findings and Recommendation. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v.*

*Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981). I conclude the report is correct.

I adopt the Findings and Recommendation (ECF No. 48). Defendants' motions to dismiss, ECF No. 32 and 33, are GRANTED in part. Plaintiff's claim under § 1693e of the Electronic Funds Transfer Act is dismissed. The motions are DENIED as to the other claims. IT IS SO ORDERED.

DATED this 15th day of December, 2015.

/s/ Michael J. McShane  
Michael J. McShane  
United States District Judge